

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

**IN RE CALPINE CORPORATION  
ERISA LITIGATION**

Master File No. C 03-CV-1685 (SBA)

**CLASS ACTION**

**THIS DOCUMENT RELATES TO:  
ALL ACTIONS**

**ORDER AWARDING PLAINTIFFS'  
COUNSEL ATTORNEYS' FEES AND  
REIMBURSEMENT OF EXPENSES AND  
PLAINTIFFS' CASE CONTRIBUTION  
AWARD**

Date: October 21, 2008

Time: 1:00 p.m.

Location: Courtroom 3

Judge: Hon. Sandra B. Armstrong

This matter having come before the Court on October 21, 2008, on the application of Class Counsel for an award of attorneys' fees and reimbursement of expenses incurred in the Action and for Case Contribution Compensation for the Named Plaintiff, having considered all papers filed and proceedings conducted herein, having found the settlement of this Action to be fair, reasonable and adequate and otherwise being fully informed in the premises and good cause appearing therefore:

**IT IS HEREBY ORDERED AND ADJUDGED:**

1. All of the capitalized terms used herein shall have the same meanings as set forth in the Class Action Settlement Agreement (“Settlement Agreement”) dated as of March 7, 2008, and filed with the Court.

2. This Court has jurisdiction over the subject matter of this application and all matters relating thereto, including all members of the Settlement Class.

3. Class Counsel are hereby awarded attorneys’ fees of \$1,050,000 (One million, fifty thousand dollars) and reimbursement of expenses in the sum of \$62,114.62 (the “Attorneys’ Fees and Expenses”), to be paid from the Settlement Fund. The Court finds that the amount of fees awarded is appropriate and that the amount of fees awarded are fair and reasonable given the substantial risks of non-recovery, the time and effort involved, and the result obtained for the Settlement Class. No other fees, costs or expenses may be awarded to Class Counsel in connection with the Settlement. The Attorneys’ Fees and Expenses shall be paid to Class Counsel in accordance with the terms of the Settlement Agreement.

4. The awarded Attorneys’ Fees and Expenses shall be paid to Class Counsel subject to the terms, conditions and obligations of the Settlement Agreement, which conditions and obligations are incorporated herein.

The Named Plaintiff is awarded \$5,000 as a Case Contribution Award, as defined in the Settlement Agreement, in recognition of his contributions to this Action.

**SO ORDERED** this 21 day of October, 2008.

  
Hon. Sandra B. Armstrong, U.S.D.J.